

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 DARRYL KILGORE,

14 Defendant.

CASE NO. CR17-0203-JCC

ORDER

15 This matter comes before the Court on the parties' joint motion to continue trial and
16 related deadlines (Dkt. No. 274). On March 17, 2020, the Court issued General Order No. 02-20,
17 which provides that "[a]ll civil and criminal hearings and trial date in [the Seattle and Tacoma]
18 Courthouses scheduled to occur before June 1, 2020, are continued pending further order of the
19 Court" and that:

20 With regard to criminal matters, due to the Court's reduced ability to obtain an
21 adequate spectrum of jurors and the effect of the above public health
22 recommendations on the availability of witnesses, counsel and Court staff to be
23 present in the courtroom, the time period of the continuances implemented by this
24 General Order will be excluded under the Speedy Trial Act, as the Court
25 specifically finds that the ends of justice served by ordering the continuances
26 outweigh the best interests of the public and any defendant's right to a speedy trial,
pursuant to 18 U.S.C. § 3161(h)(7)(A). For the same reasons, the Court finds under
18 U.S.C. § 3060(C) extraordinary circumstances exist, and justice requires delay
of all criminal preliminary hearings during the time period of the continuances
implemented by this order.

1 General Order 02-20, March 17, 2020, Sections 2, 4 (In re Court Operations under the Exigent
2 Circumstances Created by COVID-19 and Related Coronavirus).

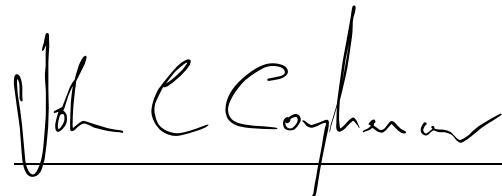
3 Having thoroughly considered the parties' joint motion and the Court's General Order
4 No. 02-20, the Court hereby FINDS as follows:

- 5 1. For the reasons set forth in the parties' motion and General Order 02-20, the ends of
6 justice served by granting a continuance outweigh the best interests of the public and
7 Defendant in a speedy trial, 18 U.S.C. § 3161(h)(7)(A); and
- 8 2. Failure to grant a continuance would likely make trial impossible, result in a miscarriage
9 of justice, and deny counsel for Defendant and the Government the reasonable time
10 necessary for effective preparation, taking into account the exercise of due diligence, 18
11 U.S.C. § 3161(h)(7)(B)(i), (B)(iv).

12 For the foregoing reasons, the parties' motion to continue the trial date and the pretrial
13 motions deadline (Dkt. No. 274) is GRANTED. It is therefore ORDERED that the trial date is
14 CONTINUED from April 27, 2020, to July 13, 2020, at 9:30 a.m. The Court further ORDERS
15 that the time between the date of this order and the new trial date is excludable time under the
16 Speedy Trial Act, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(ii), and
17 3161(h)(7)(B)(iv). Any pretrial motions shall be filed no later than May 4, 2020.

18 DATED this 23rd day of March 2020.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE